

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

SAM DAVIS and MARK PICKENS,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:03-1228
)	JUDGE ECHOLS
CITY OF BRENTWOOD, BILLY)	
COOPER, and MARK URSERY,)	
)	
Defendants.)	

ORDER

For the reasons explained in the Memorandum entered herewith,
the Court rules as follows:

(1) The Motion for Summary Judgment on Behalf of Defendant City of Brentwood (Docket Entry No. 85) is hereby GRANTED IN PART AND DENIED IN PART. The Motion is GRANTED with respect to Plaintiffs' claims of disparate treatment based on race under Title VII, the Tennessee Human Rights Act, and 42 U.S.C. § 1981. The Motion is DENIED with respect to Plaintiffs' claims of a racially hostile work environment under Title VII, the THRA, and 42 U.S.C. § 1981 and for alleged constitutional violations under 42 U.S.C. § 1983 for failure to investigate incidents of racial harassment, failure to train and supervise City employees, and toleration of racial harassment in the workplace.

(2) Defendant Billy Cooper's Motion To Dismiss and For Summary Judgment (Docket Entry No. 94) is hereby GRANTED IN PART and DENIED

IN PART. The Motion is GRANTED in that Count V, alleging a time-barred claim of intentional infliction of emotional distress against Defendant Cooper, is hereby DISMISSED WITH PREJUDICE. The Motion is DENIED with respect to Count II, which alleges a timely claim of racial harassment against Defendant Cooper under 42 U.S.C. § 1981.

(3) The Motion for Summary Judgment on Behalf of Defendant Mark Ursery (Docket Entry No. 82) is hereby GRANTED IN PART and DENIED IN PART. The Motion is GRANTED in that Count V, alleging a time-barred claim of intentional infliction of emotional distress against Defendant Ursery, is hereby DISMISSED WITH PREJUDICE. The Motion is DENIED with respect to Count II, which alleges a timely claim of racial harassment against Defendant Ursery under 42 U.S.C. § 1981.

(4) This case is hereby returned to the Magistrate Judge for further proceedings consistent with Local Rule 11 to ensure that this case is ready for jury trial set for Tuesday, May 23, 2006, at 9:00 a.m. and the final pretrial conference set for Monday, May 1, 2006, at 1:30 p.m.

IT IS SO ORDERED.


ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE